

REMARKS

Claims 6-48 are indicated to be allowable. However, claim 1-5 and 49 are rejected. Applicant now amends claim 1 in order to render claims 1-5 and 49 allowable. Regarding claim 1, that claim is rejected as anticipated by *Puuskari* (WO 99/48310), under 35 U.S.C. 102(e).

Claim 1 is presently amended without introducing any new matter, and is fully supported by page 17 of the application as originally filed (also see the last wherein clause of present claim 6, and the last wherein clause of unamended claim 1). It is respectfully submitted that this amendment distinguishes present claim 1 from the cited reference.

Applicant notes that the final Office Action acknowledges (at paragraph 5) the failure of *Puuskari* to disclose the feature of not releasing the physical connection during an inactive period or long delay. Instead, the final Office Action cites GSM 04.60. However, applicant respectfully submits that GSM 04.60 does not teach or suggest the new features of amended claim 1.

According to GSM 04.60, Temporary Block Flow (TBF) is released when the data buffer becomes empty, and this is a problem for applications where the transmission consists of multiple transmission periods separated by silent times. Applicant refers to Section 5.4 of GSM 04.60 which discusses release of TBF, and also Section 8.1.1.1 which discusses emptying the buffer. GSM 04.60 thus teaches that the physical connection will be released in an inactive period if the data buffer becomes empty. This problem will be solved if, as described by the present amended claims, the physical connection is not released during an inactive period but is released when the set up of the physical connection is signaled from the application layer to the lower level layer.

Section 8.1.1.1.2 (and Section 8.1.1.3.2) both say that the mobile station will release the TBF after acknowledgment from the network if in RLC acknowledged mode. This is

mentioned in the final Office Action (first paragraph on page 5). However, there is no suggestion in those sections of GSM 04.60 that the acknowledgment will be withheld during inactive periods, and thus GSM 04.60 teaches the unnecessary and inefficient release of the TBF during inactive periods.

CONCLUSION

Thus, the Examiner is asked to kindly reconsider the non-final Office Action in the light of the arguments presented herein, and to correspondingly issue a favorable Office Action at the next stage of the proceedings. However, in case the Examiner holds a different view regarding the subject matter of the new version of the claims, a personal consultation with applicant's undersigned representative would be deemed to be helpful. Early allowance of all independent claims (and the pending claims depending therefrom) is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the present response that might hinder allowance.

Respectfully submitted,


Andrew T. Hyman
Attorney for Applicant
Registration No. 45,858

Dated: May 14, 2004

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955